

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:20-cv-3778-BHH
)	
Bank of America, N.A. (a/k/a Bank)	
of America); Carrington Mortgage)	
Services LLC; and Experian)	
Information Solutions Inc.,)	
)	
Defendants.)	
)	

ORDER

On January 8, 2021, this Court entered an order adopting the Magistrate Judge’s Report and Recommendation (“Report”) without objection and summarily dismissing Plaintiff Nelson L. Bruce’s (“Plaintiff” or “Bruce”) complaint in this action, without prejudice and without issuance and service of process, explaining that this action is virtually identical to an amended complaint that Plaintiff attempted to file in another action that was then and remains pending before the Court. (See ECF No. 18; *see also Bruce v. Bank of America*, Civil Action No. 2:19-3456-BHH-KDW.) Plaintiff filed a notice of appeal on January 25, 2021. (ECF No. 21.)

On September 13, 2021, the Fourth Circuit Court of Appeals affirmed this Court’s judgment, explaining that Plaintiff waived appellate review by failing to file timely objections to the Magistrate Judge’s Report. Plaintiff filed a petition for rehearing en banc, which the Fourth Circuit denied on November 9, 2021. The Fourth Circuit’s mandate issued November 17, 2021. (See ECF Nos. 29 and 30.)

Meanwhile, on October 13, 2021, Plaintiff filed a motion to vacate this Court’s

January 2021 order and judgment pursuant to Rule 60(a), (b)(1)(2) and (b)6), and a motion for leave to file an amended complaint. (ECF No. 26.) Plaintiff subsequently filed an amended motion to vacate and to amend. (ECF No. 28.)

The Court has thoroughly reviewed Plaintiff's lengthy and largely garbled motions to vacate and amend, and the Court finds them wholly without merit. Stated plainly, the Court finds no reason under Rule 60(b) to vacate its January 2021 order, which dismissed this action without prejudice and without issuance of service of process for the specific reasons set forth by the Magistrate Judge in her Report (see ECF Nos. 13 and 18), and the Court denies Plaintiff's request to file an amended complaint in this action.

Accordingly, it is hereby **ORDERED** that Plaintiff's motions to vacate and amend (ECF Nos. 26 and 28) are denied, and this case remains closed.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

January 26, 2022
Charleston, South Carolina